

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 26, 2008

DIVISION ONE

B202024 People (Not for Publication)
v.
Steven B.

The true finding regarding count 2—assaulting a peace officer with a firearm in violation of Penal Code section 245, subdivision (d)(1)—is reversed. The case is remanded to the trial court for recalculation of Steven’s maximum term of confinement based upon the remaining counts in the petition. In all other respects, the order is affirmed.

Rothschild, J.

We concur: Mallano, P.J.
 Hastings, J. (Assigned)

B203598 People (Not for Publication)
v.
Williams

The case is remanded for the trial court to impose and stay a consecutive term of 10 years pursuant to section 12022.53, subdivision (b) and a consecutive term of 20 years pursuant to section 12022.53, subdivision (c). In all other respects, the judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment and forward a certified copy thereof to the Department of Corrections and Rehabilitation.

Rothschild, J.

We concur: Mallano, P.J.
 Hastings, J. (Assigned)

DIVISION ONE (continued)

B201110 Jackson et al. (Not for Publication)

v.

National Interstate Insurance Company

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.
 Hastings, J. (Assigned)

DIVISION TWO

B204324 Webillcards, LLC et al. (Not for Publication)

v.

Cardready International, Inc.

Kaplan, Kenegos & Kardin et al.

The judgment is affirmed. Appellants to bear the costs of appeal.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B201020 People (Not for Publication)

v.

Campbell

The judgment is affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

September 26, 2008 (Continued)

DIVISION TWO (continued)

[illegible]

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION THREE

B206281 People (Not for Publication)
v.
V.S.

The order is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

[illegible]

Four of the five true findings of prior prison terms based on case number A920652 within the meaning of Penal Code section 667.5 are stricken. Appellant's sentence is modified as follows: the one-year enhancement for the prior prison term based on case number BA128852 is stricken; sentence on count 4 is modified by imposing the full term of four years for the firearm enhancement pursuant to Penal Code section 12022.5, subdivision (a)(1) in place of the 16-month stayed term; sentence on count 2 is modified by imposing the full term of 10 years for the firearm enhancement in place of the 3 years and 4 months for a total sentence of life in prison with the possibility of parole with a minimum term of 121 years.¹ In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections and Rehabilitation

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

¹ An unauthorized sentence is subject to correction on appeal. (*People v. White Eagle* (1996) 48 Cal.App.4th 1511, 1521.)

September 26, 2008 (Continued)

DIVISION FOUR (continued)

9-26-08

1003279-08

The Honorable **J. GARY HASINTNGS.**, Retired Associate Justice of the Court of Appeal, Second Appellate District, Division four, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Four, as a justice thereof, on the following dates:

October 17, 2008

and until completion and disposition of all causes and matters pro tempore submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

September 24, 2008

Ronald M. George
Chief Justice of Californian and
Chairperson of the Judicial Council

DIVISION EIGHT

B201703 People (Not for Publication)
v.
Kenneth L. Leach

The trial court is ordered to strike the \$600 restitution fine imposed pursuant to section 1202.4, subdivision (b), and reinstate the original restitution fine of \$200 that was imposed at defendant's sentencing in 2004. Appellant's total financial obligation shall be reduced by \$70 he paid prior to revocation of probation. In addition, the trial court is ordered to strike the \$600 parole revocation restitution fine imposed under section 1202.45, and impose a parole revocation restitution fine of \$200. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

DIVISION EIGHT (continued)

B195677 Shtofman
 v.
 Mercedes Benz of North America, Inc., et al.

Filed order denying petition for rehearing.

B196486 People
 v.
 Vargas

Filed order denying petition for rehearing.